



MEMORANDUM

Agenda Item No. 11(A)(12)

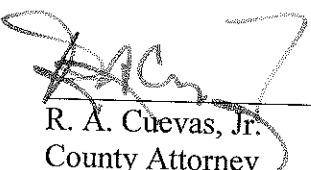
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 8, 2012

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Resolution consenting to City
of Opa-locka conveyance of property
located at 2171 Lincoln Avenue,
Opa-locka, Florida to Opa-locka
Community Development
Corporation

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.


R. A. Cuevas, Jr.
County Attorney

RAC/cp

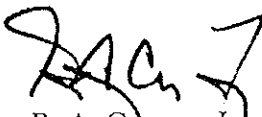


MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: November 8, 2012

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(12)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(12)
11-8-12

RESOLUTION NO. _____

RESOLUTION CONSENTING TO CITY OF OPA-LOCKA
CONVEYANCE OF PROPERTY LOCATED AT 2171
LINCOLN AVENUE, OPA-LOCKA, FLORIDA TO OPA-
LOCKA COMMUNITY DEVELOPMENT CORPORATION

WHEREAS, on April 10, 2001, the Board of County Commissioners ("Board") passed Resolution No. R-360-01 whereby the Board authorized the conveyance to the City of Opa-locka ("City") of three (3) parcels of land, which are more fully described in Exhibit A and incorporated by reference; and

WHEREAS, the Board conveyed the parcels of land to the City for the purpose of developing single family homes on two (2) of the parcels of land (Folio Nos. 08-2122-003-1100 and 08-2122-003-1110) and a third parcel of land located at 2171 Lincoln Avenue, Opa-locka, Florida (Folio No. 08-2122-003-0170) ("Property") to be used at the City's option as open space; and

WHEREAS, on February 23, 2011, the City adopted Resolution No. 11-8196, a copy of which is attached hereto as Exhibit B and incorporated by reference, whereby the City declared the Property to be surplus and authorized the City Manager to donate the Property to the Opa-locka Community Development Corporation ("Corporation"), subject to obtaining the Miami-Dade County's ("County") consent as required by the County Deed; and

WHEREAS, on August 15, 2012, the City sent a letter, a copy of which is attached as Exhibit C and incorporated by reference, to the County Mayor requesting that the County consent to the City's request to donate the Property to the Corporation for the purpose of

providing off-street parking to a low-moderate income residential housing development located at 2145 Lincoln Avenue; and

WHEREAS, the District 1 Commissioner has been approached by the City and the Corporation with a proposal to provide single family, multi-family, and mixed-use housing, a commercial retail area, open public landscaping and public parks, recreational facilities and community art in the Magnolia North area; and

WHEREAS, the Board finds that it is in the best interest of the County and its residents to authorize the City to donate the Property to the Corporation; and

WHEREAS, the donation of the Property will serve as a catalyst to revitalizing the Magnolia North area by providing additional housing, parking and economic opportunities for the residents of Miami-Dade County residing in this underserved area,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. The Board hereby consents to the City donating the Property to the Corporation for the purpose of providing off-street parking to a low-moderate income residential housing development located at 2145 Lincoln Avenue.

Section 3. The Board further directs the City to include in the deed transferring title to the Corporation language in substantially the form below:

In the event the Party of the Second Part, its successors or assigns, shall violate or otherwise fail to comply with any of the restrictions and covenants set forth herein, the Party of the Second Part, its successors or assigns, shall correct or cure the default/violation within (30) days of notification of the default by the Party of the First Part. If the Party of the Second Part, its successors or assigns, fails to remedy the default within thirty (30) days, Miami-Dade County shall have the right to re-enter and take possession of the property and to terminate and revest in Miami-Dade County the estate conveyed by this Deed to the Party of the Second

Part, its successors or assigns, and by such reverter to Miami-Dade County, the Party of the Second Part shall forfeit all monetary investments and improvements without any compensation or right to compensation whatsoever; provided, that any such right of re-entry shall always be subjected to and limited by, and shall not defeat, render invalid, or limit any way the lien of any valid mortgage or Deed of Trust permitted by this Deed.

Section 4. The Board directs the City, pursuant to Resolution No. R-974-09, to record the instrument of conveyance approved herein in Public Records of Miami-Dade County; (b) to provide a recorded copy of said instrument to the Clerk of the Board within thirty (30) days of execution said instrument; (c) to attach and permanently store a recorded copy of said instrument together with this resolution; and (d) to deliver a recorded copy of said instrument to the Clerk of the City of Opa-locka.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman
	Audrey M. Edmonson, Vice Chairwoman
Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

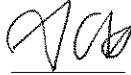
The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of November, 2012. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Terrence A. Smith

EXHIBIT A

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 6(J)(1)(A)
4-10-01

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

RESOLUTION NO. R-360-01

RESOLUTION AUTHORIZING CONVEYANCE OF LAND TO THE CITY OF OPA-LOCKA FOR THE DEVELOPMENT OF SALES HOUSING ON TWO ADJOINING LOTS FOR LOW AND MODERATE INCOME FAMILIES AND OPEN SPACE OR SALES HOUSING ON A THIRD LOT AT THE DISCRETION OF THE CITY; IN ACCORDANCE WITH FLORIDA STATUTE 125.38; AUTHORIZING THE COUNTY MANAGER, DIRECTOR OF THE OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT, COUNTY ATTORNEY, AND CLERK OF THE BOARD TO TAKE WHATEVER ACTIONS ARE NECESSARY TO EFFECT AND SECURE THE CONVEYANCE OF SAID LAND; AND AUTHORIZING EXECUTION OF COUNTY DEED

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, the land is not needed for County purposes; and

WHEREAS, the land is in Miami-Dade County's Office of Community and Economic Development's inventory for housing and open space development; and

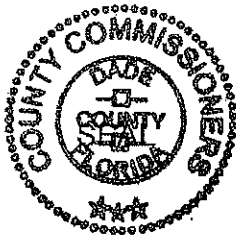
WHEREAS, the development of low and moderate income housing and/or open space will be fulfilled through the conveyance ,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE) SS:

I, **HARVEY RUVIN**, Clerk of the Circuit and County Courts, in and for Miami-Dade County, Florida, and Ex-Officio Clerk of the Board of County Commissioners of said county, **DO HEREBY CERTIFY** that the above and foregoing is a true and correct copy of Resolution No. R-360-01, adopted by the Miami-Dade County Board of County Commissioners, at its meeting of April 10, 2001, as appears of record.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this
29th day of August, A.D., 2012.



HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By: _____

Deputy Clerk

Board of County Commissioners
Miami-Dade County, Florida

Section 1. Authorizes the conveyance of land pursuant to Section 125.38, Florida Statutes described in Exhibit "A" attached hereto and made a part hereof, to the City of Opa-locka, for development of two (2) sites for low and moderate income families.

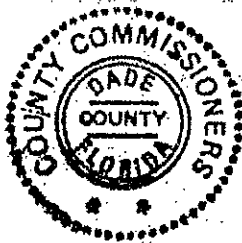
Section 2. Approves a County Deed to convey the land in substantially the form attached hereto and made a part hereof as Exhibit "B", and authorizes the Mayor to execute same for and on behalf of Miami-Dade County.

Section 3. Directs the County Manager, the Director of the Office of Community and Economic Development, County Attorney, and Clerk of the Board to take whatever actions are necessary to effect and secure the conveyance of said land.

The foregoing resolution was offered by Commissioner **Jimmy L. Morales** who moved its adoption. The motion was seconded by Commissioner **Gwen Margolis** and upon being put to a vote, the vote was as follows:

Dr. Miriam Alonso	aye	Bruno A. Barreiro	aye
Dr. Barbara M. Carey-Shuler	aye	Betty T. Ferguson	aye
Gwen Margolis	aye	Joe A. Martinez	absent
Jimmy L. Morales	aye	Dennis C. Moss	aye
Pedro Reboredo	absent	Dorrian D. Rolle	aye
Natacha Seijas	aye	Katy Sorenson	aye
Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 10th day of April, 2001. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



Approved by County Attorney as
to form and legal sufficiency

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

KAY SULLIVAN

BY: _____

Deputy Clerk

Exhibit "B"

COUNTY DEED

THIS DEED, made this ____ day of _____, 2001, by Miami-Dade County, Florida, a political subdivision of the State of Florida, called "County" and the City of Opa-Locka, a political subdivision of the State of Florida, hereinafter called "Developer."

WITNESS: That the County for and in consideration of the sum of TEN Dollars (\$10.00), to it in hand paid by the Developer, receipt of which is hereby acknowledged has granted, bargained and sold to the Developer, its heirs and its assigns, subject to the right of re-entry set forward below, the land lying and being in Miami-Dade County, Florida:

See Exhibit "A" Legal Description Attached Hereto

This Deed conveys only the interests of Miami-Dade County and its Board of County Commissioners in the property described herein, and shall not warrant title thereto:

I. This Conveyance is made subject to the following covenants running with The land, and setting forth the right of re-entry, to wit:

A. Developer will commence work on the Project Improvements (the "Improvements") consisting of one (1), possibly two (2) affordable single-family homes not later than October 1, 2001, and shall complete the Improvements by April 1, 2003, one of the three (3) lots (Folio #08-2122-003-0170) may be used for open space, at the option of the City of Opa-Locka.

- B. Promptly after completion of the Improvements in accordance with approved plans and provisions of this Instrument, the County shall furnish the Developer a certificate that it has met its obligations hereunder. Such certification shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.
- C. The Developer agrees for itself, its successors and assigns, to or of the Property or any part hereof, that the Developer and such successors or Assigns shall:

Not discriminate upon the basis of race, color, religion, sex or national origin in the sale, lease or rental or in the use of occupancy of the property or any Improvements erected or to be erected hereon or on any part thereof; and this covenant shall be binding to the fullest extent permitted by law and equity, for the benefit and in favor of, and enforceable by the County, its successors and assigns, and any successor in interest to the property, or any part thereof. The County shall have the right in the event of any breach of any such covenants, to exercise all the rights and remedies; and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of covenant, to which it or any other beneficiaries of such covenant may be entitled.

D. The Developer (or Successor in Interest), shall pay the real estate taxes or assessments on the property or any part thereof when due. Developer shall not suffer any levy or attachment to be made, or any material or mechanic's lien, or any unauthorized encumbrance or lien to attach, except:

- a) Any mortgage(s) in favor of any institutional lender for the purpose of financing any hard costs or soft costs relating to the construction of the Improvements in an amount(s) not to exceed the value of the Improvements as determined by an appraiser; and
- b) Any mortgage(s) in favor of any institutional lender refinancing any mortgage of the character described in clause (a) hereof; in an amount(s) not to exceed the value of the Improvements as determined by an appraiser.
- c) The recordation, together with any mortgage purporting to meet the requirements of clauses (2) or (b) above, of a statement of value by a Member of American Institute of Real Estate Appraisers ("MAI"), (or member of any similar or successor Organization), stating the value of the Improvements is equal to Or greater than the amount of such mortgage(s), shall constitute Conclusive evidence that such mortgage meets such requirements, And that the right of any re-entry hereunder shall be subject to And limited by, and shall not defeat, render invalid, or limit in any Way, the lien of such mortgage. For purposes of this paragraph an

"institutional lender" shall mean any bank, savings and loan association, insurance company, foundation or charitable entity, real estate or mortgage investment trust, pension funds,

the Federal National Mortgage Association, agency of the United States Government or other governmental agency. In any event,

The terms "Institutional Lender" shall be deemed to include

Miami-Dade County and their respective successors and assigns.

- E. Developer shall not transfer the property or any part thereof, without consent of the County and shall not change the ownership or distribution of the stock of the Developer or with respect to the identity of the parties in control of the Developer or the degree thereof.

In the event the Developer shall violate or otherwise fail to comply with any of the covenants set forth herein, the Developer shall correct or cure the default/violation within thirty (30) days of notification of the default by the County. If Developer fails to remedy the default within thirty(30) days, the County shall have the right to re-enter and take possession of the property and to terminate (and revest in the County), the estate conveyed by this Deed to the Developer; provided, that any such right of re-entry shall always be subjected to and limited by, and shall not defeat, render invalid, or limit in any way the lien of any valid mortgage or Deed or Trust permitted by this Deed.

WITNESS WHEREOF, the said County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson of said Board, the day and year aforesaid.

Miami-Dade County, Florida
By its Board of County Commissioners

By: _____
Mayor

Printed Signature of Mayor
Stephen P. Clark Center
111 N.W. 1st Street, Suite 230
Miami, Florida 33128

ATTEST:

Harvey Ruvin, Clerk of Circuit Court

By: _____
Deputy Clerk Signature

By: _____
Deputy Clerk Printed Signature
Stephen P. Clark Center
111 N.W. 1st Street, Suite 210
Miami, Florida 33128

Prepared by: Daniel O. Borges
Miami-Dade Office of Community and
Economic Development
140 West Flagler Street, Suite 1100
Miami, Florida 33130

17

15

ACKNOWLEDGMENT OF TRUSTEE,
ADMINISTRATOR, EXECUTOR
GUARDIAN OR ANY PERSON ACTING
IN A REPRESENTATIVE CAPACITY

STATE OF FLORIDA:
COUNTY OF MIAMI DADE:

The foregoing instrument was acknowledged before me this _____ by
_____, _____ who is personally known to me or
who has produced _____, as identification and who did
(did not) take an oath.

Signature of Person Taking Acknowledgment

Name - Printed or Typed

Title or Rank

Serial Number

WITNESS, my hand and official seal, this _____ day of _____, A.D., 2001.

Notary Public, State of Florida at Large

Printed Signature of Notary

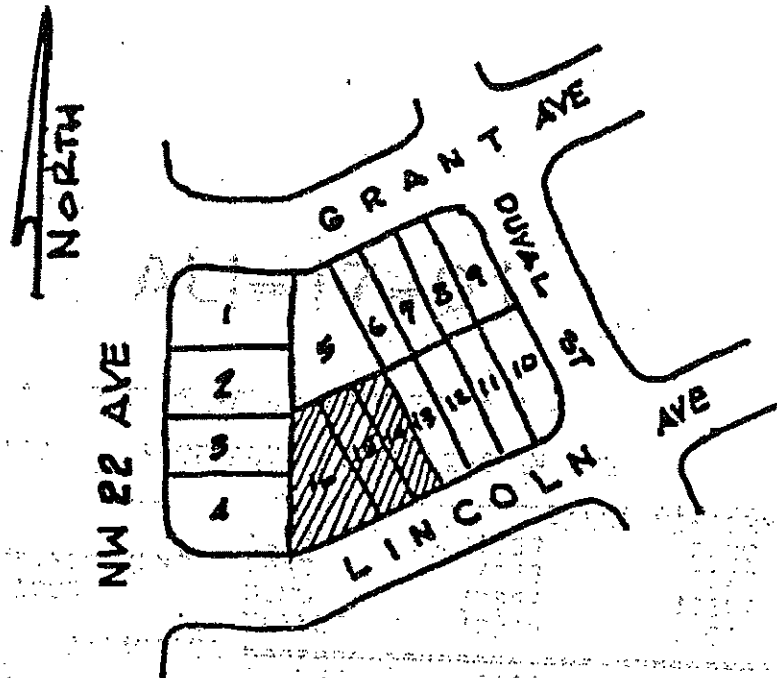
My Commission expires _____

EXHIBIT "A"

LEGAL DESCRIPTIONS

- 1) Folio No. 08-2122-003-0170 (Parcel No. ALI-17-01)
Lots 14 to 16, in Block 3, MAGNOLIA SUBDIVISION, as recorded in Plat Book 40, on Page 80, Dade County, Florida (See attached map #ALI-17-01)
- 2) Folio No. 08-2122-003-1100 (Parcel No. 05-02-01A)
Lot 14, in Block 8, MAGNOLIA SUBDIVISION, as recorded in Plat Book 40, on Page 80, Dade County, Florida (See attached map #02-05-01A)
- 3) Folio No. 08-2122-003-1110 (Parcel No. 02-05-01B)
Lot 15, in Block 8, MAGNOLIA SUBDIVISION, as recorded in Plat Book 40, on Page 80, Dade County, Florida (See attached map #02-05-01B)

EXHIBIT "A"



ALI-17-01

03/01/2001 * * * PUBLIC VALUE INQUIRY * * *

FOLIO 08 2122 003 0170 PROP ADDR 2171 LINCOLN AVE

PTXM0186
LINK:

NAME AND LEGAL

DADE COUNTY
OFFICE OF COMMUNITY DEVELOPMENT
140 W FLAGLER ST STE 1000
MIAMI FL

MAGNOLIA SUB PB 40-80
LOTS 14 TO 16 INC BLK 3
LOT SIZE 86.870 X 96
OR 16838-1446 0695 3

331301561

VALUE HISTORY

	1999	2000
LAND	7179	7179
BLDG	39867	39867
MARKET	47046	47046

ASSESS	47046	47046
--------	-------	-------

HEX		
WVD		
TOT EX	47046 T	47046 T
TAXABLE		

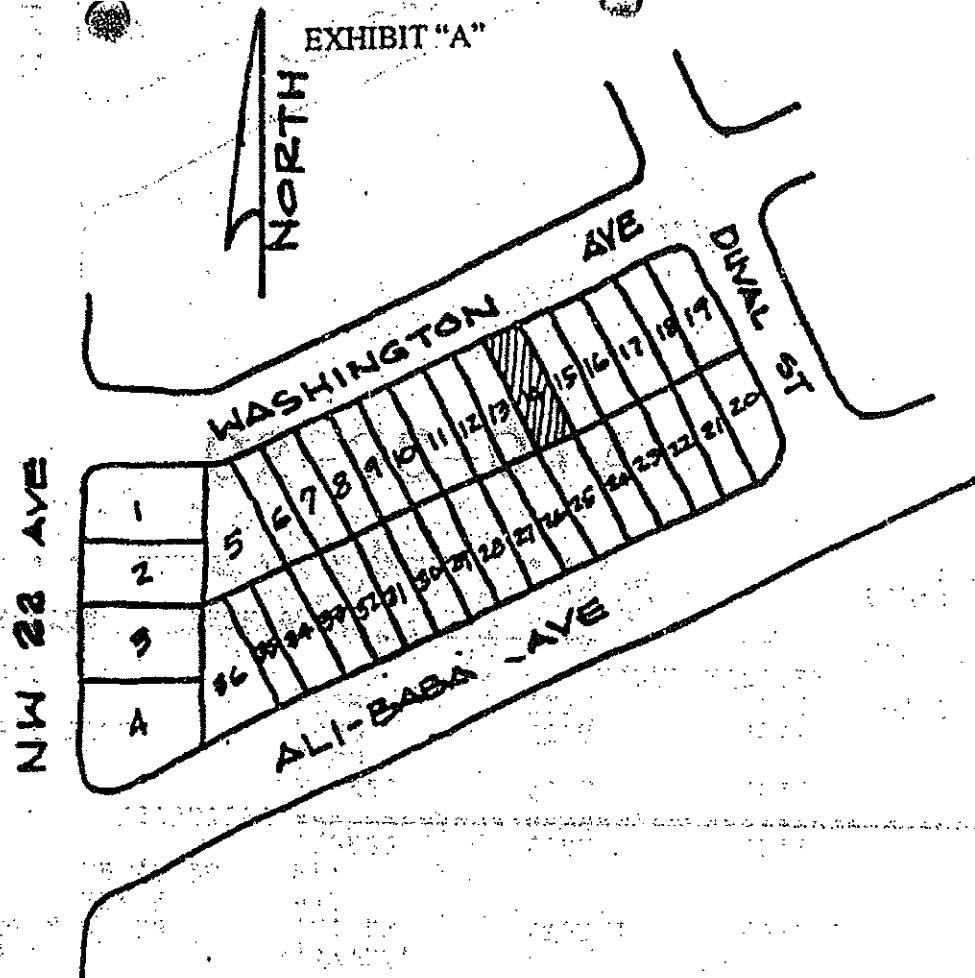
MCD 0800

01/01/2001

STATE EXEMPT: COUNTY

SALE DATE	06/1995	SALE AMT	44100
SALE TYPE	1 I/V I	SALE O/R	16838-1446

PF1-MORE LEGAL PF2-PARCEL INFO PF3-FOL SRCH PF5-TAX COLL PF7-PREV OWNER PF8-MENU
PF13-OCCUP LIC



02-05-01 A

03/01/2001 * * * PUBLIC VALUE INQUIRY * * *

PTXM0186
LINK:

FOLIO 08 2122 003 1100 PROP ADDR

MCD 0800

NAME AND LEGAL
OCED
140 W FLAGLER ST STE 1100
MIAMI FL

VALUE HISTORY
YEAR 1999 2000
LAND 2169 3677
BLDG
MARKET 2169 3677

01/01/2001

22 52 41
MAGNOLIA SUB
LOT 14
LOT SIZE 25.000 X
OR 11749-2376 0483 5

331301561
PB 40-80
BLK 8
96

ASSESS 2169 3677
HEX
WVD
TOT EX 2169 T 3677 T
TAXABLE

STATE EXEMPT: COUNTY

SALE DATE
SALE TYPE

I/V

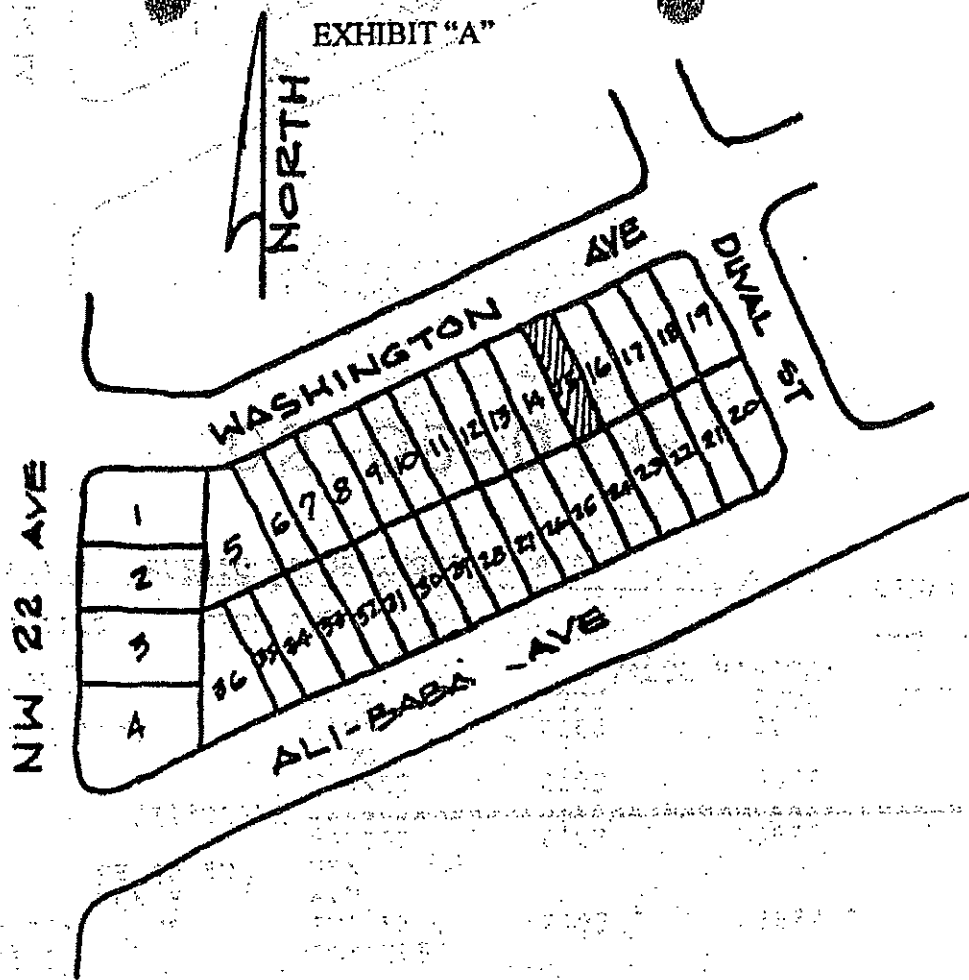
SALE AMT
SALE O/R

PF1-MORE LEGAL PF2-PARCEL INFO PF3-FOL SRCH PF5-TAX COLL PF7-PREV OWNER PF8-MENU
PF13-OCCUP LIC

14

19

EXHIBIT "A"



02-05-01 B

03/01/2001

*** PUBLIC VALUE INQUIRY ***

PTXM0186

LINK:

FOLIO 08 2122 003 1110 PROP ADDR

MCD 0800

NAME AND LEGAL
OCED
140 W FLAGLER ST STE 1100
MIAMI FL

	VALUE HISTORY	
	1999	2000
LAND	2169	3677
BLDG		
MARKET	2169	3677

01/01/2001

22 52 41
MAGNOLIA SUB
LOT 15
LOT SIZE 25.000 X
OR 11749-2376 0483 5

331301561

PB 40-80
BLK 8
96

ASSESS	2169	3677
HEX		
WVD		
TOT EX	2169 T	3677 T
TAXABLE		

STATE EXEMPT: COUNTY

SALE DATE
SALE TYPE

I/V

SALE AMT
SALE O/R

PF1-MORE LEGAL PF2-PARCEL INFO PF3-FOL SRCH PF5-TAX COLL PF7-PREV OWNER PF8-MENU
PF13-OCCUP LIC

15

20



MEMORANDUM

Agenda Item No. 6(J)(1)(A)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: April 10, 2001

FROM: Steve Shiver
County Manager

SUBJECT: Authority to Transfer Land to the City
of Opa-Locka

RECOMMENDATION

It is recommended that the Board authorize the conveyance of land described in Exhibit "A" attached herein, to the City of Opa-Locka, at a price of ten dollars (\$10.00), in accordance with Section 125.38, Florida Statutes.

BACKGROUND

The City of Opa-Locka has requested conveyance of County-owned land under Section 125.38, Florida Statutes, at a nominal cost. The City of Opa-Locka has requested the transfer of two adjoining County-owned lots which would make one (1) buildable site for the development of one single-family resident home, which would maximize the use of the land, provide "for-sale" unit below market rate, which is compatible with the demographics of the local residents and increase the tax-base in the area. The City of Opa-Locka has also requested the transfer of another parcel of land which may be used either for open space, or the development of one (1) single-family "for sale" residential home. This decision will be left up to the City of Opa-Locka.

The Office of Community and Economic Development (OGED), has acquired buildable lots in the Opa-Locka area (See Exhibit "A" for address and site location), which originally contained substandard housing units. Families were relocated to equal or better housing and the existing structures were demolished. These parcels were acquired specifically for the development of housing and/or open space. The City of Opa-Locka has proposed to build one, possibly two single-family residences on these lots. If the City decides to build only one single-family residence, the other parcel will be used for open space. The units will be designed with a Moorish/Arabian style to reflect the City's mid-Eastern architectural theme. Financing for the construction of these houses is provided by local bank loans and the City of Opa-Locka will subsidize up to \$15,000.00 to further lower the sale price of the units. Construction of the housing will begin within six (6) months after conveyance and to be completed 18 months after conveyance. The sites are available for conveyance by County Deed to the City of Opa-Locka.

With your approval of this memorandum and resolution, the land will be conveyed by County Deed, attached herein as Exhibit "B", to the City of Opa-Locka.



MEMORANDUM

TO:

Hon. Chairperson and Members
Board of County Commissioners

DATE: April 10, 2001

SUBJECT: Agenda Item No. 6(J)(1)(A)

FROM:


Robert A. Ginsburg
County Attorney

Please note any items checked.

_____ "4-Day Rule" (Applicable if raised)

_____ 6 weeks required between first reading and public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Statement of private business sector impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires a detailed County Manager's report for public hearing

_____ "Sunset" provision required

_____ Legislative findings necessary

21103PG4499

COUNTY DEED

03R181143 2003 MAR 17 15:42

THIS DEED, made this 7 day of September, 2001, by Miami-Dade County, Florida, a political subdivision of the State of Florida, called: County" and the City of Opa-Locka, a political subdivision of the State of Florida, hereinafter called "Developer."

WITNESS: That the County for and in consideration of the sum of TEN Dollars (\$10.00), to it in hand paid by the Developer, receipt of which is hereby acknowledged has granted, bargained and sold to the Developer, its heirs and its assigns, subject to the right of re-entry set forward below, the land lying and being in Miami-Dade County, Florida:

See Exhibit "A" Legal Description Attached Hereto

This Deed conveys only the interests of Miami-Dade County and its Board of County Commissioners in the property described herein, and shall not warrant title thereto:

- I. This Conveyance is made subject to the flowing covenants running with the Land, and setting forth the right of re-entry, to wit:
 - A. Developer will commence work on the Project Improvements (the "Improvements") consisting of one (1), possibly two (2) affordable single-family homes not later than October 1, 2003, and shall complete the Improvements by April 1, 2005, one of the three (3) lots (Folio #08-2122-003-0170 may be used for open space, at the option of the City of Opa-Locka.

469

21103PG4500

- B. Promptly after completion of the Improvements in accordance with approved plans and provisions of this Instrument, the County shall furnish the Developer a certificate that it has met its obligations hereunder. Such certification shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.
- C. The Developer agrees for itself, its successors and assigns, to or of the Property or any part hereof, that the Developer and such successors or Assigns shall:

Not discriminate upon the basis of race, color, religion, sex or national origin in the sale, lease or rental or in the use of occupancy of the property or any Improvements erected or to be erected hereon or on any part thereof; and this covenant shall be binding to the fullest extent permitted by law and equity, for the benefit and in favor of, and enforceable by the County, its successors and assigns, and any successor in interest to the property, or any part thereof. The County shall have the right in the event of any breach of any such covenants, to exercise all the rights and remedies; and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of covenant, to which it or any other beneficiaries of such covenant may be entitled.

21103PG4501

D. The Developer (or Successor in Interest), shall pay the real estate taxes or assessments on the property or any part thereof when due. Developer shall not suffer any levy or attachment to be made, or any material or mechanic's lien, or any unauthorized encumbrance or lien to attach, except:

- a) Any mortgage(s) in favor of any institutional lender for the purpose of financing any hard costs or soft costs relating to the construction of the Improvements in an amount(s) not to exceed the value of the Improvements as determined by an appraiser; and
- b) Any mortgage(s) in favor of any institutional lender refinancing any mortgage of the character described in clause (a) hereof; in an amount(s) not to exceed the value of the improvements as determined by an appraiser.
- c) The recordation, together with any mortgage purporting to meet the requirements of clauses (2) or (b) above, of a statement of value by a Member of American Institute of Real Estate Appraisers ("MAI"), (or member of any similar or successor Organization), stating the value of the Improvements is equal to Or greater than the amount of such mortgage(s), shall constitute Conclusive evidence that such mortgage meets such requirements. And that the right of any re-entry hereunder shall be subject to And limited by, and shall not defeat, render invalid, or limit in any Way, the lien of such mortgage. For purposes of this paragraph an

21103PG4502

"institutional lender" shall mean any bank, savings and loan association, insurance company, foundation or charitable entity, real estate or mortgage investment trust, pension funds, the Federal National Mortgage Association, agency of the United States Government or other governmental agency. In any event, The terms "Institutional Lender" shall be deemed to include Miami-Dade County and their respective successors and assigns.

- E. Developer shall not transfer the property or any part thereof, without consent of the County and shall not change the ownership or distribution of the stock of the Developer or with respect to the identity of the parties in control of the Developer or the degree thereof.

In the event the Developer shall violate or otherwise fail to comply with any of the covenants set forth herein, the Developer shall correct or cure the default/violation within thirty (30) days of notification of the default by the County. If Developer fails to remedy the default within thirty(30) days, the County shall have the right to re-enter and take possession of the property and to terminate (and revert in the County), the estate conveyed by this Deed to the Developer; provided, that any such right of re-entry shall always be subjected to and limited by, and shall not defeat, render invalid, or limit in any way the lien of any valid mortgage or Deed or Trust permitted by this Deed.

21103PG4503

WITNESS WHEREOF, the said County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson of said Board, the day and year aforesaid.

Miami-Dade County, Florida
By its Board of County Commissioners

By: 
Mayor

Alexander Penelas
Printed Signature of Mayor
Stephen P. Clark Center
111 N.W. 1st Street, Suite 230
Miami, Florida 33128

ATTEST:

Harvey Ruvin, Clerk of Circuit Court

By: 
Deputy Clerk Signature

By: Elizabeth Adorno
Deputy Clerk Printed Signature
Stephen P. Clark Center
111 N.W. 1st Street, Suite 210
Miami, Florida 33128

Prepared by: Daniel O. Borges
Miami-Dade Office of Community and
Economic Development
140 West Flagler Street, Suite 1100
Miami, Florida 33130

ST. 002.0

21103PG4504

ACKNOWLEDGMENT OF TRUSTEE,
ADMINISTRATOR, EXECUTOR
GUARDIAN OR ANY PERSON ACTING
IN A REPRESENTATIVE CAPACITY

STATE OF FLORIDA:
COUNTY OF MIAMI DADE:

The foregoing instrument was acknowledged before me this 9-7-2001 by
Alex Pencas MAJOR who is personally known to me or
who has produced _____ as identification and who did
(did not) take an oath.

Signature of Person Taking Acknowledgment

Name -- Printed or Typed

Title or Rank

Serial Number

WITNESS, my hand and official seal, this 7 day of September, A.D., 2001.



Kenneth F. Guldstrand
Notary Public, State of Florida at Large

KENNETH F. GULDSTRAND

Printed Signature of Notary

My Commission expires 1-18-04

EXHIBIT
21103PG4505

EXHIBIT "A"

LEGAL DESCRIPTIONS

- 1) Folio No. 08-2122-003-0170 (Parcel No. ALI-17-01)

Lots 14 to 16, in Block 3, MAGNOLIA SUBDIVISION, as recorded in Plat Book 40, on Page 80, Dade County, Florida (See attached map #ALI-17-01)

- 2) Folio No. 08-2122-003-1100 (Parcel No. 05-02-01A)

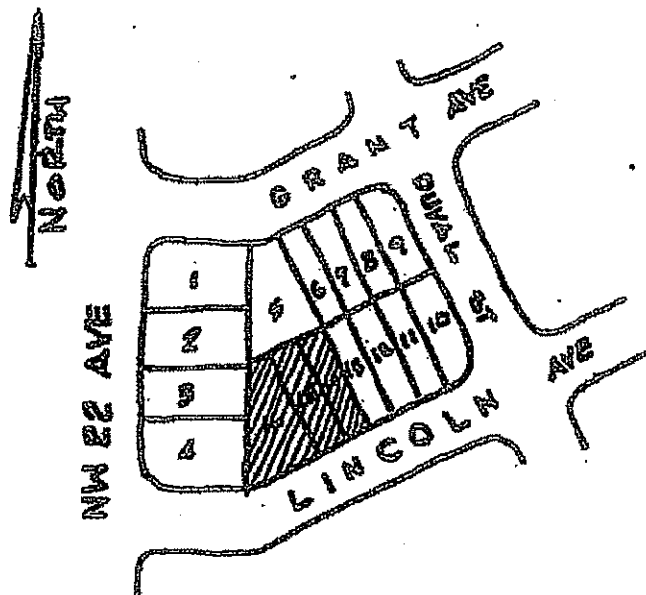
Lot 14, in Block 8, MAGNOLIA SUBDIVISION, as recorded in Plat Book 40, on Page 80, Dade County, Florida (See attached map #02-05-01A)

- 3) Folio No. 08-2122-003-1110 (Parcel No. 02-05-01B)

Lot 15, in Block 8, MAGNOLIA SUBDIVISION, as recorded in Plat Book 40, on Page 80, Dade County, Florida (See attached map #02-05-01B)

28103PG4506

EXHIBIT "A"



ALI-17-01

03/01/2001

PUBLIC VALUE INQUIRY ***

PTXMD186

FOLIO 08 2122 003 0170

PROP ADDR 2171 LINCOLN AVE

LINK:

MCD 0800

NAME AND LEGAL
DADE COUNTY
OFFICE OF COMMUNITY DEVELOPMENT
140 W FLAGLER ST STE 1000
MIAMI FL

VALUE HISTORY

01/01/2001

MAGNOLIA SUB PB 40-80
LOTS 14 TO 16 INC BLK 3
LOT SIZE 86.870 X 96
OR 16838-1446 0695 3

331301561

	1999	2000
LAND	7179	7179
BLDG	39867	39867
MARKET	47046	47046
ASSESS	47046	47046
HEX		
WVD		
TOT EX	47046 T	47046 T
TAXABLE		

STATE EXEMPT: COUNTY

SALE DATE	06/1995	SALE AMT	44100
SALE TYPE	1 I/V I	SALE O/R	16838-1446


PF1-MORE LEGAL PF2-PARCEL INFO PF3-FOL SRCH PF5-TAX COLL PF7-PREV OWNER PF8-MENU
PF13-OCCUP LIC

13

30

EXHIBIT B

Sponsored by: City Manager

 ENTERED

Resolution No. 11-8196

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO DESIGNATE PROPERTY AS SURPLUS PROPERTY LOCATED AT 2171 LINCOLN AVE, OPA-LOCKA, FLORIDA AND TO DONATE SAID PROPERTY TO OPA-LOCKA CDC FOR MAGNOLIA NORTH REDEVELOPMENT WITH CONSENT FROM MIAMI DADE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Opa-locka Community Development Corporation ("Opa-locka CDC") is requesting the city to donate the property located at 2171 Lincoln Avenue ("subject property") to the CDC for redevelopment of the Magnolia Subdivision, and for the subject property to be used as off-street parking for the property located at 2145 Lincoln Avenue; and

WHEREAS, Resolution No. 11-8184 authorizes the City Manager and staff to work with the Opa-locka CDC in assisting them through in-kind contribution of donations of property owned by the City of Opa-locka; and

WHEREAS, the Assistant City Manager and Community Development Director have been meeting with the Opa-locka CDC on a weekly basis to ensure that all actions endorsed by the Mayor and City Commission in accordance with Resolution No. 11-8184 are being executed; and

WHEREAS, considering the fact that the City of Opa-locka has not contributed property toward Magnolia North Redevelopment, and the city staff spends approximately eight (8) hours per month maintaining this property every two weeks during the summer months with no immediate long term plan for city development, it is the appropriate method

to dispose of this property by donating the subject property to the Opa-locka Community Development Corporation, with consent from Miami-Dade County, pursuant to Deed Covenants with the county.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA:

Section 1. The recitals to the preamble herein are incorporated by reference.


Section 2. The City Commission of the City of Opa-locka hereby declares the subject property as surplus and authorizes the City Manager to donate said property to the Opa-locka CDC for Magnolia North Redevelopment, after obtaining consent from Miami-Dade County.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 23rd DAY OF February, 2011.

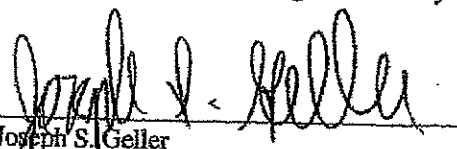


MYRA TAYLOR
MAYOR

Attest to:


Deborah S. Irby
City Clerk

Approved as to form and legal sufficiency:



Joseph S. Geller
City Attorney

Moved by:	VICE MAYOR JOHNSON
Seconded by:	COMMISSIONER HOLMES
Commission Vote:	4-0
Commissioner Holmes:	YES
Commissioner Miller:	NOT PRESENT
Commissioner Tydus:	YES
Vice-Mayor Johnson:	YES
Mayor Taylor:	YES



Memorandum

TO: Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner
Myra L. Taylor
Dorothy Johnson
Timothy Holmes
Rose Tydus
Gail Miller

FROM: *Clarence Patterson*
Clarence Patterson, City Manager

DATE: February 15, 2011

RE: Memorandum to Mayor and City Commission Deeming Certain Property As Surplus - Folio No. 08-2122-003-0170. The subject property is located at 2171 Lincoln Avenue and is zoned B-1 (Commercial Neighborhood). In Particular the Subject Property is located in Block 3 lots 14, 15, and 16 of Magnolia Subdivision in Opa-locka, FL.

Request: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO DESIGNATE PROPERTY AS SURPLUS PROPERTY LOCATED AT 2171 LINCOLN AVENUE, OPA-LOCKA, FLORIDA AND TO DONATE SAID PROPERTY TO OPA-LOCKA CDC FOR MAGNOLA NORTH REDEVELOPMENT WITH CONSENT FROM MIAMI DADE COUNTY PURSUANT TO COUNTY DEED RECORDED IN THE OFFICIAL RECORDS OF MIAMI-DADE COUNTY OR BOOK 21103 PAGE 4502

Description: The Opa-locka Community Development Corporation is requesting the city donate the subject property to them for redevelopment of Magnolia Subdivision. The subject property would be used as off-street parking for property located at 2145 Lincoln Avenue. As you are aware, Resolution No. 11-8184 authorized the city manager and staff to work with the Opa-locka CDC and part of that partnership insists upon the City's assistance through in-kind contribution through donation of property owned by the City of Opa-locka. To date, the Opa-locka CDC plans to spend approximately 21 million dollars in and around Magnolia North, Magnolia Gardens, and 22nd Avenue Corridors; Miami-Dade County through Commissioner Barbara Jordan's office has provided approximately 3.4 million dollars in cash and in-kind donation of county-owned property, Habitat For Humanity who is also a partner has plans to construct single-family homes in Magnolia North and expend a few million dollars. The Assistant City Manager and Community Development Director has been meeting with

the Opa-locka CDC on a weekly basis to ensure that all actions endorsed by the Mayor and City Commission in Resolution 11-8184 is being executed. In the opinion of staff, the property has outlived its usefulness and has become inadequate for city use. The City staff spends approximately eight (8) hours per month maintaining this property every two weeks during the summer months with no immediate long term plans for city development. City Resolution No. 08-7317 requires the city manager to evaluate and make a good faith analysis of the property. Considering the fact that the City of Opa-locka has not contributed property toward Magnolia North Redevelopment, the appropriate method to dispose of this property would be by donating subject property to the Opa-locka Community Development Corporation with consent from Miami-Dade County pursuant to County Deed Covenants. There will be no surety bond requirement for this transaction. Should the city sell the subject property, the City Manager will advertise in a newspaper of general circulation as required by resolution no. 08-7317 and other applicable laws. The City Attorney will execute and facilitate any action as required by Resolution No. 08-7317.

Financial Impact: There is no financial impact other than for ordinary costs associated with real estate transactions.

Implementation Time Line: Immediately.

Legislative History: Resolution No. 08-7317
Resolution No. 11-8184

Recommendation(s): Staff recommends that the Mayor and Commission declare the subject property as surplus and donate said property to the Opa-locka CDC for Magnolia North Redevelopment in the spirit of cooperation pursuant to Resolution No. 11-8187 after consent from Miami-Dade County.

Attachment(s):

1. Miami-Dade County Property Appraiser's Profile Sheet
2. Copies of Applicable Resolutions
3. County Deed

Prepared By: Howard W. Brown, Jr., Community Development Director

Sponsored by: City Attorney

RESOLUTION NO. 08 - 7317

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
OPA-LOCKA, FLORIDA, ESTABLISHING A POLICY FOR THE
DISPOSAL OF CITY-OWNED SURPLUS PROPERTY**

WHEREAS, pursuant to Section 166.021(1), Florida Statutes, municipalities have the power and authority to acquire and dispose of real property or interest therein for a municipal purpose by means of an exchange of property, so long as such method of acquisition and disposal of municipal property is for a valid municipal purpose and not expressly prohibited by law; and

WHEREAS, the City Commission of the City of Opa-locka ("City Commission") desires to establish a policy for the disposal of City-owned surplus property; and

WHEREAS, the City of Opa-locka further desires to establish a policy wherein the City of Opa-locka can account for the sale, trade, donation and/or conveyance of real property and other property declared surplus; and

WHEREAS, any property owned by the City which has become obsolete, or which has outlived its usefulness, or which has become inadequate for the public purposes for which it was intended, or which is no longer needed for public purposes, may be declared surplus property.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION
OF THE CITY OF OPA-LOCKA, FLORIDA:**

Section 1. The recitals to the preamble are hereby incorporated by reference.

Section 2. The City Commission of the City of Opa-locka hereby declares that any property owned by the City which has become obsolete, or which has outlived its usefulness, or which has become inadequate for the public purposes for which it was intended, or which is no longer needed for public purposes, may be disposed of in accordance with procedures to be established by the City Manager, so long as the property has been declared surplus by a Resolution of the City Commission.

Section 3. The City Commission desires to dispose of property in accordance with the following procedures:


1. The City Manager, after evaluation and good faith analysis, shall advise the City Commission in a written memorandum reasons why certain property should be declared surplus property.
2. Once the City Manager prepares a written Memorandum addressed to the Commission, a surplus resolution shall be prepared by the City Attorney and shall be placed on the next available City Commission Meeting Agenda.
3. Under no circumstances may the City Manager dispose of City-owned property in the absence of a formal Resolution of the City Commission deeming the subject property as surplus property.
4. The City Manager shall determine the most appropriate method to dispose of surplus items. Such methods may include, but shall not be limited to, the following:
(a) Annual surplus equipment sale; (b) Sale; (c) Trade; (d) Donation.
5. The City Manager may require a surety bond for certain property, as the City Manager may deem appropriate.
6. The City Manager shall advertise in a newspaper of general circulation the disposal of all real property contemplated by sealed bid or auction to be awarded to the highest bidder. The City Manager may reject any and all bids as he/she deems appropriate.
7. Proceeds from the sale of the property shall go into the general fund of the City, unless the equipment was acquired by utilizing police forfeiture funds.

Resolution No. 08- 7317

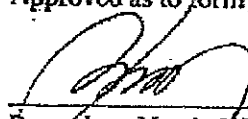
PASSED AND ADOPTED this 23 day of JULY, 2008.


JOSEPH L. KELLEY
MAYOR

Attest:


Deborah S. Irby
City Clerk

Approved as to form and legal sufficiency:


Burnadette Norris-Weeks
City Attorney

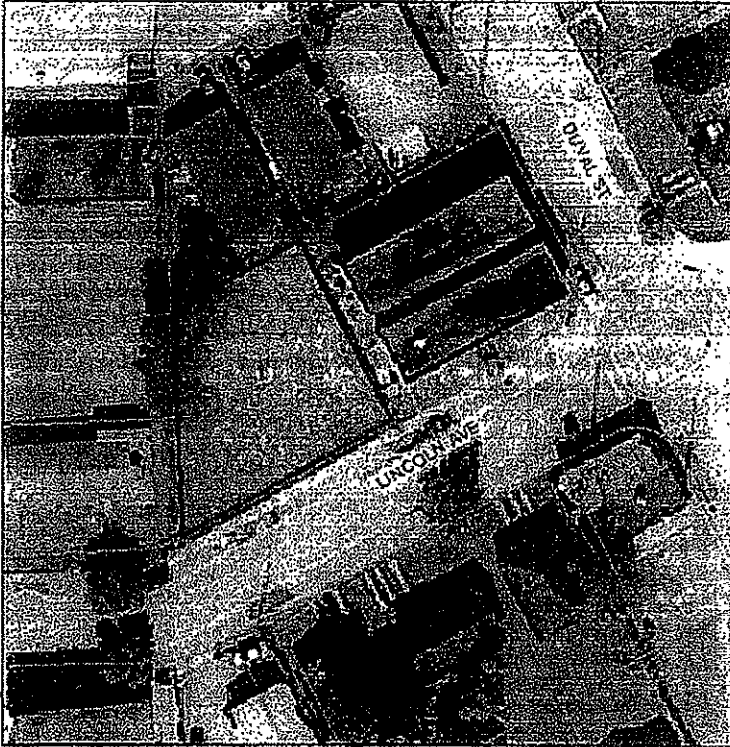
Moved by:	<u>MILLER</u>
Seconded by:	<u>TYDUS</u>
Commission Vote:	<u>3-0</u>
Commissioner Tydus:	<u>YES</u>
Commissioner Holmes:	<u>NOT PRESENT</u>
Commissioner Miller:	<u>YES</u>
Vice-Mayor Johnson:	<u>NOT PRESENT</u>
Mayor Kelley:	<u>YES</u>

My Home
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map



Aerial Photography - 2009

0 34 ft

This map was created on 2/15/2011 10:01:01 AM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.



Close

Summary Details:

Folio No.:	08-2122-008-0170
Property:	2171 LINCOLN AVE
Mailing Address:	CITY OF OPA LOCKA
Address:	777 SHARAZAD BLVD OPA LOCKA FL 33054-3521

Property Information:

Primary Zone:	6800 HIGHLY RESTRICTED RETAIL
CLUC:	0040 MUNICIPAL
Beds/Baths:	3/2
Floors:	1
Living Units:	2
Adj Sq Footage:	1,843
Lot Size:	8,340 SQ FT
Year Built:	1954
Legal Description:	MAGNOLIA SUB PB 40-80 LOTS 14 TO 16 INC BLK 3 LOT SIZE 86,870 X 86 OR 21103-4499 0901 3 OR 16838-1446 0695 00

Assessment Information:

Year:	2010	2009
Land Value:	\$79,230	\$91,740
Building Value:	\$98,261	\$116,453
Market Value:	\$167,491	\$208,193
Assessed Value:	\$167,491	\$208,193

Taxable Value Information:

Year:	2010	2009
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$167,491/\$0	\$208,193/\$0
County:	\$167,491/\$0	\$208,193/\$0
City:	\$167,491/\$0	\$208,193/\$0
School Board:	\$167,491/\$0	\$208,193/\$0

Sale Information:

Sale Date:	5/18/95
Sale Amount:	\$44,100
Sale O/R:	16838-1446
Sales Qualification Description:	Sales which are qualified
View Additional Sales	



City of
OPA-LOCKA
Florida

Kelvin L. Baker, Sr.
City Manager

305-953-2821
305-953-2823
*Fax: 305-953-2870

August 15, 2012

Honorable Mayor Carlos Gimenez
Office of the Mayor
Miami-Dade County
111 NW 1st Street, Suite 220
Miami, FL 33128

RE: Donation of property at 2145 Lincoln Avenue Subject to Miami-Dade County Consent
2145 Lincoln Avenue
Opa-locka, FL 33054
Folio No. 08-2122-003-0170

Honorable Mayor Gimenez:

Congratulations on your re-election as Mayor of Miami-Dade County! I, along with the staff and officials in the City of Opa-locka look forward to working with you to enhance our region. To that end, we respectfully ask that Miami-Dade County consent to the subject property being transferred to the Opa-locka Community Development Corporation for the purposes of providing off-street parking to a low-moderate income residential housing development located at 2171 Lincoln Avenue.

On February 23, 2011, under Resolution No. 11-8196 the Mayor and City Commission of the City of Opa-locka donated the subject property to the Opa-locka Community Development Corporation to facilitate the same. As you know, under the county deed, there is a provision, which requires that Miami-Dade County consent to the transfer as well.

The City has pledged support for the redevelopment of Magnolia North formerly known as the "Triangle" and other areas citywide. Since the County has similarly expressed support of this initiative, we look forward to your approval of this request.

For your review, I have attached the relevant background regarding this matter. Please do not hesitate to contact Mr. Howard W. Brown, Jr., Community Development Director, if you have technical questions regarding this request. Mr. Brown may be reached at 786-338-6177.

Sincerely,


Kelvin L. Baker, Sr.
City Manager

Attachment

Cc: Mayor and City Commission
Honorable Barbara Jordan, District 1 - Miami-Dade County Commission
Opa-locka Community Development Corporation
County Attorney's Office - Mr. Terrence Smith
CITY HALL • 780 FISHERMAN STREET, 4TH FLOOR, OPA-LOCKA, FLORIDA 33054 • (305) 688-4611
AN EQUAL OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE ON THE BASIS OF HANDICAP

" THE GREAT CITY "



City of
OPA-LOCKA
Florida

Kelvin L. Baker, Sr
City Manager

305-953-2821
305-953-2823
***Fax: 305-953-2870**

August 15, 2012

Honorable Mayor Carlos Gimenez
Office of the Mayor
Miami-Dade County
111 NW 1st Street, Suite 220
Miami, FL 33128

RE: Donation of property at 2145 Lincoln Avenue Subject to Miami-Dade County Consent
2145 Lincoln Avenue
Opa-locka, FL 33054
Folio No. 08-2122-003-0170

Honorable Mayor Gimenez:

Congratulations on your re-election as Mayor of Miami-Dade County! I, along with the staff and officials in the City of Opa-locka look forward to working with you to enhance our region. To that end, we respectfully ask that Miami-Dade County consent to the subject property being transferred to the Opa-locka Community Development Corporation for the purposes of providing off-street parking to a low-moderate income residential housing development located at 2171 Lincoln Avenue.

On February 23, 2011, under Resolution No. 11-8196 the Mayor and City Commission of the City of Opa-locka donated the subject property to the Opa-locka Community Development Corporation to facilitate the same. As you know, under the county deed, there is a provision, which requires that Miami-Dade County consent to the transfer as well.

The City has pledged support for the redevelopment of Magnolia North formerly known as the "Triangle" and other areas citywide. Since the County has similarly expressed support of this initiative, we look forward to your approval of this request.

For your review, I have attached the relevant background regarding this matter. Please do not hesitate to contact Mr. Howard W. Brown, Jr., Community Development Director, if you have technical questions regarding this request. Mr. Brown may be reached at 786-338-6177.


Sincerely,


Kelvin L. Baker, Sr.
City Manager

Attachment

Cc: Mayor and City Commission
Honorable Barbara Jordan, District 1 – Miami-Dade County Commission
Opa-locka Community Development Corporation
County Attorney's Office – Mr. Terrence Smith
CITY HALL • 780 FISHERMAN STREET, 4TH FLOOR, OPA-LOCKA, FLORIDA 33054 • (305) 688-4611
AN EQUAL OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE ON THE BASIS OF HANDICAP

Sponsored by: City Manager

 ENTERED

Resolution No. 11-8196

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO DESIGNATE PROPERTY AS SURPLUS PROPERTY LOCATED AT 2171 LINCOLN AVE, OPA-LOCKA, FLORIDA AND TO DONATE SAID PROPERTY TO OPA-LOCKA CDC FOR MAGNOLIA NORTH REDEVELOPMENT WITH CONSENT FROM MIAMI DADE; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Opa-locka Community Development Corporation ("Opa-locka CDC") is requesting the city to donate the property located at 2171 Lincoln Avenue ("subject property") to the CDC for redevelopment of the Magnolia Subdivision, and for the subject property to be used as off-street parking for the property located at 2145 Lincoln Avenue; and

WHEREAS, Resolution No. 11-8184 authorizes the City Manager and staff to work with the Opa-locka CDC in assisting them through in-kind contribution of donations of property owned by the City of Opa-locka; and

WHEREAS, the Assistant City Manager and Community Development Director have been meeting with the Opa-locka CDC on a weekly basis to ensure that all actions endorsed by the Mayor and City Commission in accordance with Resolution No. 11-8184 are being executed; and

WHEREAS, considering the fact that the City of Opa-locka has not contributed property toward Magnolia North Redevelopment, and the city staff spends approximately eight (8) hours per month maintaining this property every two weeks during the summer months with no immediate long term plan for city development, it is the appropriate method

to dispose of this property by donating the subject property to the Opa-locka Community Development Corporation, with consent from Miami-Dade County, pursuant to Deed Covenants with the county.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA:

Section 1. The recitals to the preamble herein are incorporated by reference.

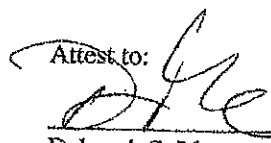
Section 2. The City Commission of the City of Opa-locka hereby declares the subject property as surplus and authorizes the City Manager to donate said property to the Opa-locka CDC for Magnolia North Redevelopment, after obtaining consent from Miami-Dade County.

Section 3. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 23rd DAY OF February, 2011.

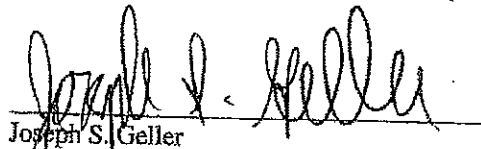


MYRA TAYLOR
MAYOR

Attest to:


Deborah S. Irby
City Clerk

Approved as to form and legal sufficiency:



Joseph S. Geller
City Attorney

Moved by:	VICE MAYOR JOHNSON
Seconded by:	COMMISSIONER HOLMES
Commission Vote:	4-0
Commissioner Holmes:	YES
Commissioner Miller:	NOT PRESENT
Commissioner Tydus:	YES
Vice-Mayor Johnson:	YES
Mayor Taylor:	YES



Memorandum

TO: Mayor
Vice Mayor
Commissioner
Commissioner
Commissioner
Myra L. Taylor
Dorothy Johnson
Timothy Holmes
Rose Tydus
Gail Miller

FROM: *Clarence Patterson*
Clarence Patterson, City Manager

DATE: February 15, 2011

RE: Memorandum to Mayor and City Commission Deeming Certain Property As Surplus - Folio No. 08-2122-003-0170. The subject property is located at 2171 Lincoln Avenue and is zoned B-1 (Commercial Neighborhood). In Particular the Subject Property is located in Block 3 lots 14, 15, and 16 of Magnolia Subdivision in Opa-locka, FL.

Request: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AUTHORIZING THE CITY MANAGER TO DESIGNATE PROPERTY AS SURPLUS PROPERTY LOCATED AT 2171 LINCOLN AVENUE, OPA-LOCKA, FLORIDA AND TO DONATE SAID PROPERTY TO OPA-LOCKA CDC FOR MAGNOLA NORTH REDEVELOPMENT WITH CONSENT FROM MIAMI DADE COUNTY PURSUANT TO COUNTY DEED RECORDED IN THE OFFICIAL RECORDS OF MIAMI-DADE COUNTY OR BOOK 21103 PAGE 4502

Description: The Opa-locka Community Development Corporation is requesting the city donate the subject property to them for redevelopment of Magnolia Subdivision. The subject property would be used as off-street parking for property located at 2145 Lincoln Avenue. As you are aware, Resolution No. 11-8184 authorized the city manager and staff to work with the Opa-locka CDC and part of that partnership insists upon the City's assistance through in-kind contribution through donation of property owned by the City of Opa-locka. To date, the Opa-locka CDC plans to spend approximately 21 million dollars in and around Magnolia North, Magnolia Gardens, and 22nd Avenue Corridors; Miami-Dade County through Commissioner Barbara Jordan's office has provided approximately 3.4 million dollars in cash and in-kind donation of county-owned property, Habitat For Humanity who is also a partner has plans to construct single-family homes in Magnolia North and expend a few million dollars. The Assistant City Manager and Community Development Director has been meeting with

the Opa-locka CDC on a weekly basis to ensure that all actions endorsed by the Mayor and City Commission in Resolution 11-8184 is being executed. In the opinion of staff, the property has outlived its usefulness and has become inadequate for city use. The City staff spends approximately eight (8) hours per month maintaining this property every two weeks during the summer months with no immediate long term plans for city development. City Resolution No. 08-7317 requires the city manager to evaluate and make a good faith analysis of the property. Considering the fact that the City of Opa-locka has not contributed property toward Magnolia North Redevelopment, the appropriate method to dispose of this property would be by donating subject property to the Opa-locka Community Development Corporation with consent from Miami-Dade County pursuant to County Deed Covenants. There will be no surety bond requirement for this transaction. Should the city sell the subject property, the City Manager will advertise in a newspaper of general circulation as required by resolution no. 08-7317 and other applicable laws. The City Attorney will execute and facilitate any action as required by Resolution No. 08-7317.

Financial Impact: There is no financial impact other than for ordinary costs associated with real estate transactions.

Implementation Time Line: Immediately.

Legislative History: Resolution No. 08-7317
Resolution No. 11-8184

Recommendation(s): Staff recommends that the Mayor and Commission declare the subject property as surplus and donate said property to the Opa-locka CDC for Magnolia North Redevelopment in the spirit of cooperation pursuant to Resolution No. 11-8187 after consent from Miami-Dade County.

Attachment(s):

1. Miami-Dade County Property Appraiser's Profile Sheet
2. Copies of Applicable Resolutions
3. County Deed

Prepared By: Howard W. Brown, Jr., Community Development Director

Sponsored by: City Attorney

RESOLUTION NO. 08 - 7317

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
OPA-LOCKA, FLORIDA, ESTABLISHING A POLICY FOR THE
DISPOSAL OF CITY-OWNED SURPLUS PROPERTY**

WHEREAS, pursuant to Section 166.021(1), Florida Statutes, municipalities have the power and authority to acquire and dispose of real property or interest therein for a municipal purpose by means of an exchange of property, so long as such method of acquisition and disposal of municipal property is for a valid municipal purpose and not expressly prohibited by law; and

WHEREAS, the City Commission of the City of Opa-locka ("City Commission") desires to establish a policy for the disposal of City-owned surplus property; and

WHEREAS, the City of Opa-locka further desires to establish a policy wherein the City of Opa-locka can account for the sale, trade, donation and/or conveyance of real property and other property declared surplus; and

WHEREAS, any property owned by the City which has become obsolete, or which has outlived its usefulness, or which has become inadequate for the public purposes for which it was intended, or which is no longer needed for public purposes, may be declared surplus property.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION
OF THE CITY OF OPA-LOCKA, FLORIDA:**

Section 1. The recitals to the preamble are hereby incorporated by reference.

Resolution No. 08- 7317

Section 2. The City Commission of the City of Opa-locka hereby declares that any property owned by the City which has become obsolete, or which has outlived its usefulness, or which has become inadequate for the public purposes for which it was intended, or which is no longer needed for public purposes, may be disposed of in accordance with procedures to be established by the City Manager, so long as the property has been declared surplus by a Resolution of the City Commission.

Section 3. The City Commission desires to dispose of property in accordance with the following procedures:

1. The City Manager, after evaluation and good faith analysis, shall advise the City Commission in a written memorandum reasons why certain property should be declared surplus property.
2. Once the City Manager prepares a written Memorandum addressed to the Commission, a surplus resolution shall be prepared by the City Attorney and shall be placed on the next available City Commission Meeting Agenda.
3. Under no circumstances may the City Manager dispose of City-owned property in the absence of a formal Resolution of the City Commission deeming the subject property as surplus property.
4. The City Manager shall determine the most appropriate method to dispose of surplus items. Such methods may include, but shall not be limited to, the following:
(a) Annual surplus equipment sale; (b) Sale; (c) Trade; (d) Donation.
5. The City Manager may require a surety bond for certain property, as the City Manager may deem appropriate.
6. The City Manager shall advertise in a newspaper of general circulation the disposal of all real property contemplated by sealed bid or auction to be awarded to the highest bidder. The City Manager may reject any and all bids as he/she deems appropriate.
7. Proceeds from the sale of the property shall go into the general fund of the City, unless the equipment was acquired by utilizing police forfeiture funds.

Resolution No. 08- 7317

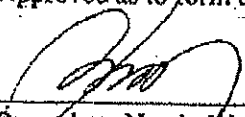
PASSED AND ADOPTED this 23 day of JULY, 2008.


JOSEPH L. KELLEY
MAYOR

Attest:


Deborah S. Irby
City Clerk

Approved as to form and legal sufficiency:


Burnadette Norris-Weeks
City Attorney

Moved by:	<u>MILLER</u>
Seconded by:	<u>TYDUS</u>
Commission Vote:	<u>3-0</u>
Commissioner Tydus:	<u>YES</u>
Commissioner Holmes:	<u>NOT PRESENT</u>
Commissioner Miller:	<u>YES</u>
Vice-Mayor Johnson:	<u>NOT PRESENT</u>
Mayor Kelley:	<u>YES</u>

My Home
Miami-Dade County, Florida

miamidade.gov

MIAMI-DADE

Property Information Map



Aerial Photography - 2009

0 34 ft

This map was created on 2/15/2011 10:01:01 AM for reference purposes only.

Web Site © 2002 Miami-Dade County. All rights reserved.



Close

Summary Details:

Folio No.:	08-2122-003-0170
Property:	2171 LINCOLN AVE
Mailing Address:	CITY OF OPA LOCKA
	777 SHARAZAD BLVD OPA LOCKA FL 33054-3521

Property Information:

Primary Zone:	6300 HIGHLY RESTRICTED RETAIL
CLUC:	0040 MUNICIPAL
Beds/Baths:	3/2
Floors:	1
Living Units:	2
Adj Sq Footage:	1,843
Lot Size:	3,340 SQ FT
Year Built:	1954
Legal Description:	MAGNOLIA SUB PB 40-90 LOTS 14 TO 16 INC BLK 3 LOT SIZE 96.870 X 96 OR 21103-4499 0901 3 OR 16838-1446 0695 00

Assessment Information:

Year:	2010	2009
Land Value:	\$79,230	\$91,740
Building Value:	\$88,261	\$116,453
Market Value:	\$167,491	\$208,193
Assessed Value:	\$167,491	\$208,193

Taxable Value Information:

Year:	2010	2009
Taxing Authority:	Applied Exemption/ Taxable Value:	Applied Exemption/ Taxable Value:
Regional:	\$167,491/\$0	\$208,193/\$0
County:	\$167,491/\$0	\$208,193/\$0
City:	\$167,491/\$0	\$208,193/\$0
School Board:	\$167,491/\$0	\$208,193/\$0

Sale Information:

Sale Date:	6/1995
Sale Amount:	\$44,100
Sale O/R:	16838-1446
Sales Qualification Description:	Sales which are qualified
View Additional Sales	

ST. M. 12.
21103PG4499

COUNTY DEED

03R181143 2003 MAR 17 15:42

THIS DEED, made this 7 day of September, 2001, by Miami-Dade County, Florida, a political subdivision of the State of Florida, called: County" and the City of Opa-Locka, a political subdivision of the State of Florida, hereinafter called "Developer."

WITNESS: That the County for and in consideration of the sum of TEN Dollars (\$10.00), to it in hand paid by the Developer, receipt of which is hereby acknowledged has granted, bargained and sold to the Developer, its heirs and its assigns, subject to the right of re-entry set forward below, the land lying and being in Miami-Dade County, Florida:

See Exhibit "A" Legal Description Attached Hereto

This Deed conveys only the interests of Miami-Dade County and its Board of County Commissioners in the property described herein, and shall not warrant title thereto:

- I. This Conveyance is made subject to the flowing covenants running with the Land, and setting forth the right of re-entry, to wit:
 - A. Developer will commence work on the Project Improvements (the "Improvements") consisting of one (1), possibly two (2) affordable single-family homes not later than October 1, 2003, and shall complete the Improvements by April 1, 2005, one of the three (3) lots (Folio #08-2122-003-0170 may be used for open space, at the option of the City of Opa-Locka.

460

BT REC 11
21103PG4500

- B. Promptly after completion of the Improvements in accordance with approved plans and provisions of this Instrument, the County shall furnish the Developer a certificate that it has met its obligations hereunder. Such certification shall be in a form recordable in the Office of the Clerk of the Circuit Court of Miami-Dade County, Florida.
- C. The Developer agrees for itself, its successors and assigns, to or of the Property or any part hereof, that the Developer and such successors or Assigns shall:

Not discriminate upon the basis of race, color, religion, sex or national origin in the sale, lease or rental or in the use of occupancy of the property or any Improvements erected or to be erected hereon or on any part thereof; and this covenant shall be binding to the fullest extent permitted by law and equity, for the benefit and in favor of, and enforceable by the County, its successors and assigns, and any successor in interest to the property, or any part thereof. The County shall have the right in the event of any breach of any such covenants, to exercise all the rights and remedies; and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breach of covenant, to which it or any other beneficiaries of such covenant may be entitled.

21103PG4501

D. The Developer (or Successor in Interest), shall pay the real estate taxes or assessments on the property or any part thereof when due. Developer shall not suffer any levy or attachment to be made, or any material or mechanic's lien, or any unauthorized encumbrance or lien to attach, except:

- a) Any mortgage(s) in favor of any institutional lender for the purpose of financing any hard costs or soft costs relating to the construction of the Improvements in an amount(s) not to exceed the value of the Improvements as determined by an appraiser; and
- b) Any mortgage(s) in favor of any institutional lender refinancing any mortgage of the character described in clause (a) hereof; in an amount(s) not to exceed the value of the Improvements as determined by an appraiser.
- c) The recordation, together with any mortgage purporting to meet the requirements of clauses (2) or (b) above, of a statement of value by a Member of American Institute of Real Estate Appraisers ("MAI"), (or member of any similar or successor Organization), stating the value of the Improvements is equal to Or greater than the amount of such mortgage(s), shall constitute Conclusive evidence that such mortgage meets such requirements, And that the right of any re-entry hereunder shall be subject to And limited by, and shall not defeat, render invalid, or limit in any Way, the lien of such mortgage. For purposes of this paragraph an

21103964502

"institutional lender" shall mean any bank, savings and loan association, insurance company, foundation or charitable entity, real estate or mortgage investment trust, pension funds, the Federal National Mortgage Association, agency of the United States Government or other governmental agency. In any event, The terms "Institutional Lender" shall be deemed to include Miami-Dade County and their respective successors and assigns.

E. Developer shall not transfer the property or any part thereof, without consent of the County and shall not change the ownership or distribution of the stock of the Developer or with respect to the identity of the parties in control of the Developer or the degree thereof.

In the event the Developer shall violate or otherwise fail to comply with any of the covenants set forth herein, the Developer shall correct or cure the default/violation within thirty (30) days of notification of the default by the County. If Developer fails to remedy the default within thirty(30) days, the County shall have the right to re-enter and take possession of the property and to terminate (and revert in the County), the estate conveyed by this Deed to the Developer; provided, that any such right of re-entry shall always be subjected to and limited by, and shall not defeat, render invalid, or limit in any way the lien of any valid mortgage or Deed or Trust permitted by this Deed.

ST. 112.2

21103PG4503

WITNESS WHEREOF, the said County has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairperson of said Board, the day and year aforesaid.

Miami-Dade County, Florida
By its Board of County Commissioners

By: 
Mayor

Alexander Penelas
Printed Signature of Mayor
Stephen P. Clark Center
111 N.W. 1st Street, Suite 230
Miami, Florida 33128

ATTEST:

Harvey Ruvin, Clerk of Circuit Court

By: 
Deputy Clerk Signature

By: Elizabeth Adorno
Deputy Clerk Printed Signature
Stephen P. Clark Center
111 N.W. 1st Street, Suite 210
Miami, Florida 33128

Prepared by: Daniel O. Borges
Miami-Dade Office of Community and
Economic Development
140 West Flagler Street, Suite 1100
Miami, Florida 33130

10

53

07.02.01

21103PG4504

ACKNOWLEDGMENT OF TRUSTEE,
ADMINISTRATOR, EXECUTOR
GUARDIAN OR ANY PERSON ACTING
IN A REPRESENTATIVE CAPACITY

STATE OF FLORIDA:
COUNTY OF MIAMI DADE:

The foregoing instrument was acknowledged before me this 9-7-2001 by
Alex Pencas, Mayor who is personally known to me or
who has produced _____, as identification and who did
(did not) take an oath.

Signature of Person Taking Acknowledgment

Name - Printed or Typed

Title or Rank

Serial Number

WITNESS, my hand and official seal, this 7 day of September, A.D., 2001.



Kenneth F. Guldstrand
Notary Public, State of Florida at Large

KENNETH F. GULDSTRAND

Printed Signature of Notary

My Commission expires 1-18-04

11

OFFICIAL

21103PG4505

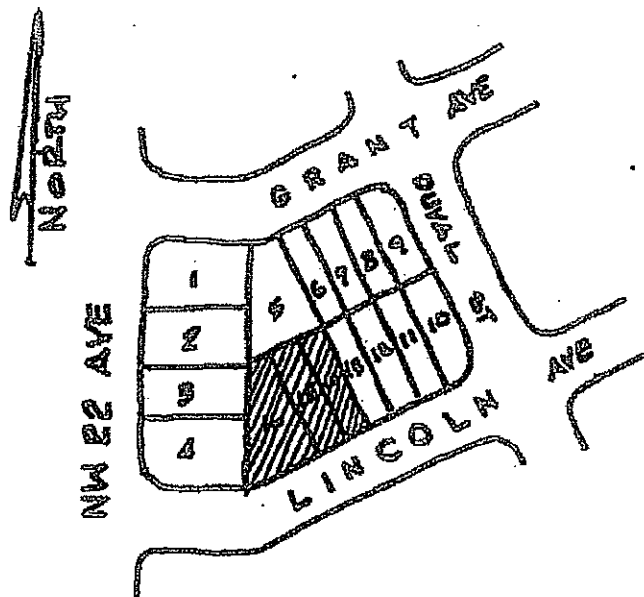
EXHIBIT "A"

LEGAL DESCRIPTIONS

- 1) Folio No. 08-2122-003-0170 (Parcel No. ALI-17-01)
Lots 14 to 16, in Block 3, MAGNOLIA SUBDIVISION, as recorded in Plat Book 40, on Page 80, Dade County, Florida (See attached map #ALI-17-01)
- 2) Folio No. 08-2122-003-1100 (Parcel No. 05-02-01A)
Lot 14, in Block 8, MAGNOLIA SUBDIVISION, as recorded in Plat Book 40, on Page 80, Dade County, Florida (See attached map #02-05-01A)
- 3) Folio No. 08-2122-003-1110 (Parcel No. 02-05-01B)
Lot 15, in Block 8, MAGNOLIA SUBDIVISION, as recorded in Plat Book 40, on Page 80, Dade County, Florida (See attached map #02-05-01B)

FILE
20103PG4506

EXHIBIT "A"



ALI-17-01

03/01/2001

PUBLIC VALUE INQUIRY ***

PTXM0186

FOLIO 08 2122 003 0170

PROP ADDR 2171 LINCOLN AVE

LINK:

MCD 0800

NAME AND LEGAL
DADE COUNTY
OFFICE OF COMMUNITY DEVELOPMENT
140 W FLAGLER ST STE 1000
MIAMI FL

	YEAR	1999	2000
LAND		7179	7179
BLDG		39867	39867
MARKET		47046	47046

01/01/2001

MAGNOLIA SUB PB 40-80
LOTS 14 TO 16 INC BLK 3
LOT SIZE 86.870 X 96
OR 16838-1446 0695 3

331301561

	ASSESS	47046	47046
HEX			
WVD			
TOT EX	47046 T	47046 T	
TAXABLE			

STATE EXEMPT: COUNTY

SALE DATE	06/1995	SALE AMT	44100
SALE TYPE	1 I/V I	SALE O/R	16838-1446

PF1-MORE LEGAL PF2-PARCEL INFO PF3-FOL SRCH PF5-TAX COLL PF7-PREV OWNER PF8-MENU
PF13-OCCUP LIC

13

56



CITY OF OPA-LOCKA
PLANNING & COMMUNITY DEVELOPMENT
DEPARTMENT

780 FISHERMAN STREET, 4TH FLOOR
OPA-LOCKA, FL 33054
(305) 953-2868, EXT. 1503
FAX: (305) 953-3060

HOWARD W. BROWN, JR.
DIRECTOR
E-mail: hbrown@opalockafl.gov

GERALD J. LEE
CITY PLANNER
E-mail: glee@opalockafl.gov

ORIA E. RODRIGUEZ
EXECUTIVE SECRETARY
E-mail: oerodriguez@opalockafl.gov

FACSIMILE

TO:

Name: TERRENCE A. SMITH
Organization Name/Dept: _____

Phone number: 305-375-1322
Fax number: 305-375-5634

FROM:

Name: Howard Brown

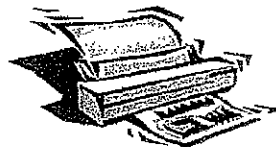
Date sent: 08/10/11

Number of pages including cover page: 17

MESSAGE:

- ☐ Urgent
☐ For review

- ☐ Please comment
☐ Please reply



HP LaserJet 3050

Fax Call Report

HP LASERJET FAX
3059533060
Aug-10-2011 6:00PM

Job	Date	Time	Type	Identification	Duration	Pages	Result
892	8/10/2011	5:52:33PM	Send	93053755634	4:21	17	OK

2012 AUG 20 AM 10:22

MORRIS
COUNTY ATTORNEY